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Candace Fisher
SANDERS COUNTY CLERK OF DISTRICT COURT
BY Cfisher

11 Attorneys for Plaintiffs

12 MONTANA TWENTIETH JUDICIAL DISTRICT COURT,
13 SANDERS COUNTY

14 [REDACTED] and) Cause No.: DV 18-114
15 [REDACTED],) Dept. No.: 2
16 PLAINTIFFS,) **D. KIM CHRISTOPHER**
17 v.)
18 REFLECTIONS ACADEMY, INC.,) COMPLAINT AND DEMAND
19 MICHELLE MANNING, CHAFFIN) FOR JURY TRIAL
20 PULLAN and DOES 1-10,)
21 DEFENDANTS.)

22 COME NOW Plaintiffs, by and through counsel of record, Reep, Bell,
23 Laird and Jasper, P.C., and for their Complaint against Defendants
24 Reflections Academy, Inc., Michelle Manning, Chaffin Pullan and Does 1-
10, states and alleges as follows:

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GENERAL ALLEGATIONS

1. Plaintiffs [REDACTED] and [REDACTED]
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3 are the parents and were the guardians of their minor child, [REDACTED]
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5 [REDACTED], (collectively, "the [REDACTED] Family") who has since
6 reached the age of majority. At the times pertinent herein, [REDACTED]
7 advance paid tuition to Reflections Academy Inc. and [REDACTED] attended
8 school there. Reflections Academy, Inc. provided individual and group
9 therapy to the [REDACTED] Family.

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2. Plaintiff [REDACTED] was a student at Reflections
Academy, Inc. She presently resides with her parents in [REDACTED]
Oregon. At the times pertinent to this Complaint, she was a resident of
Sanders County, Montana and living at a facility operated by Reflections
Academy, Inc.

3. Defendant Reflections Academy, Inc. ("Reflections") is a
Montana Corporation with its principal place of business at 88 Steamboat
Way E, Thompson Falls, Sanders County, Montana. Reflections held itself
out as a therapeutic boarding school for teenage girls.

4. Defendant Michelle Manning ("Manning") is an individual who
resides in Sanders County, Montana. Manning is the owner and an
employee of Reflections. She is identified on the Reflections website as its

1 executive director. She also represented herself to students and their
2 parents as a therapeutic professional. At all times pertinent, she operated
3 Reflections and managed its employees. She had operational
4 responsibility for all aspects of Reflections including both its therapeutic
5 and scholastic aspects. Manning communicated regularly with the [REDACTED]
6 Family about enrollment of [REDACTED], tuition obligations and the services
7 to be provided by Reflections to the [REDACTED] Family. She interacted with the
8 [REDACTED] Family on a near-daily basis.

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10 5. Defendant Chaffin Pullan ("Chaffin") is an individual who
11 resides in Sanders County, Montana. Chaffin is affiliated with Reflections
12 and represented himself to students and their parents at various times as
13 an "owner," a manager, and therapeutic professional.

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15 6. Does 1-10 are individuals or entities who were involved with
16 provision of professional services to Reflections as advisors,
17 subcontractors or employees.

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19 7. During the time [REDACTED] was attending Reflections, Chaffin
20 was employed by Reflections.

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22 8. During the time [REDACTED] was attending Reflections, Chaffin
23 was a shareholder of Reflections.

9. The tortious acts alleged in this Complaint occurred in Sanders County, Montana.

10. Jurisdiction is proper in this Court.

11. Venue is proper in this Court.

COUNT ONE (Professional Negligence)

12. Plaintiffs reallege all allegations of the Complaint as if fully set forth herein.

13. [REDACTED] attended Reflections from April through August of 2018.

14. Reflections held itself out as providing professional services for students, including [REDACTED] and their family members. These included, without limitation, therapy, boarding, schooling, organization and supervision of extracurricular activities and provision of a "home-like" environment.

15. Reflections held itself out as offering a "unique residential program" that was a "safe haven for struggling teenage girls and their families."

16. Reflections held itself out as competent to help girls "conquer behavioral problems such as anger, addictions, disrespect, low self-esteem, attachment disorders, anxiety and depression."

1 17. On its website, Reflections specifically recognized the
2 heightened risks of sexual acting out and sexual promiscuity for struggling
3 teenage girls and marketed itself as a school that was capable of providing
4 therapeutic services to deal with such risks.

5 18. Reflections represented itself as "fully licensed," and having a
6 "highly experienced staff." It claimed to provide "high-quality, experienced
7 therapeutic services and a comprehensive, fully accredited education
8 program."

9 19. In its website and communications with students and parents,
10 Reflections claimed to have a "program." It purported to offer a "highly-
11 structured environment" that cultivated personal care, self-esteem,
12 responsibility, consistency and dependability.

13 20. In its website, Reflections claimed to offer "a safe space" to
14 girls.

15 21. [REDACTED] enrolled [REDACTED] in Reflections and paid
16 tuition and other valuable consideration to Reflections.

17 22. Reflections and the other Defendants who were involved in
18 [REDACTED]'s care owed a duty to [REDACTED] to provide professional
19 services in a manner consistent with the representations it made on its
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1 website and in conformance with the standard of care expected of like
2 professional services providers.

3 23. Defendants failed to live up to that duty, causing damages to
4 the [REDACTED] Family.

5 24. Defendants' failures included, but are not limited to: 1) failing
6 to implement a therapeutic program conforming the representations made
7 by Reflections; 2) failing to implement a therapeutic program conforming to
8 any generally accepted therapeutic methodology or standard of care; 3)
9 failing to implement adequate safeguards to ensure the safety of students;
10 4) failing to provide therapy as represented; 5) failing to provide appropriate
11 supervision of extracurricular activities; 6) hiring and retention of unqualified
12 personnel; 7) allowing unqualified personnel to become involved in
13 provision of therapy to girls to the detriment of the therapy; 8) failing to
14 implement appropriate safeguards for a therapeutic program leading to
15 their exposure to pornographic images on Chaffin's cell phone; and 9)
16 failing to ensure that staff, particularly Chaffin, were adequately trained and
17 supervised resulting in Chaffin's inappropriate communications to girls
18 including sharing of pornographic images, inappropriate physical contact
19 causing emotional injury, inappropriate counselor-client relationships, and
20 grooming of [REDACTED] and other students to conform to sexual
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relationships Chaffin was engaged in with at least one other student. All of the foregoing failures occurred and impacted [REDACTED] directly in the course of the professional services rendered to her.

25. As a result of the failures identified above, and others which may be revealed in the course of discovery, Defendants committed professional negligence.

26. Defendants' professional negligence caused damages general and special to the [REDACTED] Family including without limitation, emotional injury, therapeutic setbacks, enhanced need for future therapeutic care and loss of tuition.

COUNT TWO (Consumer Protection Act)

27. Plaintiffs reallege all allegations of the Complaint as if fully set forth herein.

28. The Montana Consumer Protection Act renders unfair or deceptive acts or practices in the conduct of any trade or commerce unlawful. Mont. Code Ann. § 30-14-103.

29. The [REDACTED] Family is a consumer. Defendants supplied professional services to them primarily for their personal, family or household purposes.

1 30. Defendants engaged in acts which caused and were likely to
2 cause substantial injury to consumers, including the [REDACTED] Family.
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4 31. Defendants engaged in acts or practices by making
5 representations, omission and engaging in practices that did and were
6 likely to mislead consumers like the [REDACTED] Family.
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8 32. The [REDACTED] Family's interpretation and understanding of the
9 representations, omissions, and practices of Reflections were reasonable
10 under the circumstances.
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12 33. Defendants' misleading representations, omissions and
13 practices were material to the [REDACTED] Family's enrollment of [REDACTED] at
14 Reflections.
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16 34. Defendants made false representations as to the
17 characteristics, benefits, and other qualities of Reflections' therapeutic
18 boarding program.
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20 35. Defendants advertised Reflections' professional services with
21 intent not to provide them as advertised.
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23 36. Defendants violated the Montana Consumer Protection Act
24 causing damages general and special to the [REDACTED] Family.
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37. Pursuant to Mont. Code Ann. § 30-14-133, Defendants are liable for Plaintiffs' damages, attorney's fees incurred in this suit and treble damages.

COUNT THREE (Negligent Misrepresentation)

38. Plaintiffs reallege all allegations of the Complaint as if fully set forth herein.

39. Defendants made representations of fact to the [REDACTED] Family in order to induce [REDACTED]'s enrollment at Reflections.

40. The representations, including but not limited to those identified in ¶¶ 14-19 were false.

41. The █ Family had reasonable grounds for believing them
to be true.

42. The representations were made with the intent that the Family would rely on them.

43. The [REDACTED] was unaware of the falsity of the representations and acted in reliance thereon.

44. The [REDACTED] Family justifiably relied on the representations and sustained damages general and special as a result.

COUNT FOUR (Piercing the Corporate Veil)

45. Plaintiffs reallege all allegations of the Complaint as if fully set forth herein.

46. Upon information and belief, Reflections was used as an alter ego entity for the other Defendants, particularly Chaffin, who held himself out as an "owner," paying expenses associated with housing, food, entertainment, and other personal expenses. Additionally, Defendants accepted tuition from parents to Reflections and, upon information and belief, used these funds to support other business or personal ventures. Discovery will likely result in identification of additional alter ego abuses.

47. Reflections was used by the other Defendants as a subterfuge to defeat public convenience, justify wrong or perpetrate fraud.

48. This is an appropriate case for piercing of the corporate veil.
The individual Defendants' personal assets should answer in whole or in
part for any judgment against Reflections in this case.

COUNT FIVE (Fiduciary Duties)

49. Plaintiffs reallege each of the other paragraphs of this Complaint as if fully set forth herein.

Defendants in conjunction with the care of [REDACTED] and Reflections' [REDACTED]

representations about its capability to provide a stable and safe therapeutic and scholastic boarding school environment.

51. Due to the nature of the school, i.e. a school in which limited communications are permitted with children, other students, and parents, and a high level of control is exercised by Defendants over the activities conducted within the school, there exists a special and unique relationship between students and their families, and Defendants, in which Defendants occupy a position of unique power and control, and in which Plaintiffs lack control and are highly dependent upon Defendants.

52. The foregoing factors establish a fiduciary relationship owed by Defendants to the [REDACTED] Family. This relationship creates a duty of the highest loyalty to the interests of the [REDACTED] Family.

53. Defendants breached fiduciary duties owed to the Family.

54. Defendants' breaches of fiduciary duty caused Damages to the Family.

COUNT SIX (Exemplary Damages)

55. Plaintiffs reallege each of the other allegations of the Complaint as if fully set forth herein.

1 56. Defendants had knowledge of facts or intentionally disregarded
2 facts that created a high probability of injury to the [REDACTED] Family.
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4 57. Defendants deliberately proceeded to act with indifference to
5 the high probability of injury to the [REDACTED] Family.
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7 58. Defendants made representations about Reflections with
8 knowledge of their falsity and/or concealed material facts such as the
9 danger posed by unqualified personnel like Chaffin, with the purpose of
10 depriving the [REDACTED] Family of property or otherwise causing them injury.
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12 59. Additional conduct supporting exemplary damages may be
13 determined to exist during discovery.
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15 60. The [REDACTED] Family is entitled to an award of punitive damages
16 against Defendants.
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18 WHEREFORE, Plaintiffs respectfully pray for the following relief:
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20 1. For an award of general damages against Defendants;
21 2. For an award of special damages against Defendants;
22 3. For an award of attorney's fees against Defendants;
23 4. For an award of treble damages against Defendants;
24 5. For an award of exemplary damages against Defendants; and
25 6. For such further and other relief as this Court may deem just.

1 DATED this 14 day of November, 2018.

2 REEP, BELL, LAIRD & JASPER, R.C.
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4 By:

5 *for*

6 Robert T. Bell
7 Attorneys for Plaintiffs

8 DEMAND FOR JURY TRIAL

9 COME NOW Plaintiffs, and hereby demand a trial by jury of all issues
10 raised herein.

11 DATED this 15 day of November, 2018.

12 REEP, BELL, LAIRD & JASPER, P.C.
13

14 By:

15 *for*

16 Robert T. Bell
17 Attorneys for Plaintiffs